

MEMO ENDORSED

HON. SYLVIA O. HINDS-RADIX
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September 13, 2023

VIA ECF

The Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Torres v. the City of New York, 23 Civ. 1674 (JPC) (KHP)

Your Honor:

I am an Assistant Corporation Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendants the City of New York, Mayor Adams, Commissioner Molina, Assistant Commissioner Thomas Griffin, Warden Antoinette Cort, Deputy Warden Morales, Captain Mathis, and Corrections Officer McNeil. I write today to respectfully request that the Court extend defendants' deadline to answer plaintiff's complaint by thirty days from September 15, 2023 to October 16, 2023, as well as issue a corresponding sua sponte enlargement from those served defendants for whom this Office has not yet been able to make a representation decision.¹ For reasons explained more fully below, I further request that the Court adjourn the September 21, 2023 initial conference in this matter by thirty days to October 23, 2023, or sometime thereafter, as most convenient for Your Honor. This is the third request to modify defendants' deadline to answer and the second to adjourn the initial case conference, and, because plaintiff is incarcerated, I write without knowledge of his position.

This is an action brought under 42 U.S.C. § 1983 and state law in which plaintiff challenges various conditions of confinement during his pretrial detention at Rikers Island in January 2023. (See ECF No. 1). Plaintiff alleges a myriad of wrongs in the operative pleading, ranging from violations of his First Amendment rights *vis-à-vis* confiscation of his Torah by jail staff to excessive force during a search of his cell, among others. (See *id.*) He names upwards of thirty municipal defendants. (See *id.*) In defendants' previous request for an extension to answer

¹ These defendants include: Ritter, Vu, Pinkney, Troche, Marden, Rivera, Barnaby, Shivraj, and Matos.

plaintiff's complaint, they noted that DOC was still collecting disciplinary documents for a number of the defendant-officers, such that this Office was unable to yet make a representation decision as to these individuals at that time. (See ECF No. 22). Since filing that request, DOC has produced the relevant records for these officers, but, due to the volume of defendants, only as of last week.

This extension is necessary because, while this Office has indeed received the required disciplinary history for the yet-represented officers, I have been unable to schedule and conduct representation interviews with the relevant officers in the brief interlude since the agency provided this information. In the interests of submitting a responsive pleading prior to any initial conference, I respectfully ask the Court to adjourn the September 21, 2023 conference here, as well.

Accordingly, I respectfully request the Court extend all served defendants' deadline to answer from September 15, 2023 to October 16, 2023 and adjourn the initial case conference in this matter from September 21, 2023 to October 23, 2023.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Luca Difronzo

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cc: **VIA POSTAL MAIL**
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PRO SE

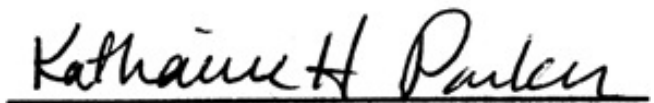
APPLICATION GRANTED: Defendant's deadline to answer the complaint is hereby extended to **October 16, 2023.**

The telephonic initial case management conference scheduled on Thursday, September 21, 2023 at 11:30 a.m. is hereby rescheduled to **Thursday, November 9, 2023 at 10:00 a.m.** It is hereby ORDERED that the Warden or other official in charge of the George R. Vierno Facility produce plaintiff Ricky J. Torres., Booking #1412001935/NYSID #12922994Q, on November 19, 2023, no later than 10:00 a.m., to a suitable location within the GRVC Facility that is equipped with a telephone, for the purpose of participating by telephone in a conference with the Court and defendants' counsel. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform chambers by calling (212) 805-0234. The Parties are directed to review Judge Parker's Individual Rules of Practice in Civil Cases. Plaintiff is directed to complete the Proposed Case Management Plan for Pro Se Plaintiffs and mail it to The Honorable Katharine H. Parker, U.S.

District Court, 500 Pearl Street Room 750, New York, New York 10007 one week before the scheduled conference. Defendants' counsel must: (1) send this Order to the Warden immediately; (2) contact the George R. Vierno Facility to arrange the call and determine the telephone number at which the plaintiff will be reachable at the above time and date; (3) complete the Proposed Case Management Plan For Pro Se Plaintiffs and e-mail it to Parker_NYSDChambers@nysd.uscourts.gov, and (4) telephone Judge Parker's teleconference line at **(866) 434-5269, Access code: 4858267, with the plaintiff on the line, at the time and date of the conference.**

The Clerk of Court is requested to mail a copy of this order to the plaintiff.

APPLICATION GRANTED

A handwritten signature in black ink, appearing to read "Katharine H. Parker", written over a horizontal line.

Hon. Katharine H. Parker, U.S.M.J.

09/14/2023